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Attorneys for Defendant  
ASSET ACCEPTANCE, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH CONTRERAS, an individual,  
  
Plaintiff,

vs.

HSBC CONSUMER LENDING USA, dba  
BENEFICIAL; ASSET ACCEPTANCE LLC;  
DOES 1 THROUGH 10,

Defendants.

No. 08-2849 SBA

**AMENDED NOTICE OF MOTION AND  
MOTION TO DISMISS**

Date: September 9, 2008  
Time: 1:00 p.m.  
Crtrm: 3, 3<sup>rd</sup> Floor

The Honorable Sandra Brown Armstrong

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT, on September 9, 2008, commencing at 1:00 p.m.  
3 or as soon thereafter as the matter may be heard, in Courtroom 3 of the United States  
4 District Court for the Northern District of California, Oakland Division located at 1301 Clay  
5 Street, 3<sup>rd</sup> Floor, Oakland, California, 94612, the Honorable Saundra Brown Armstrong  
6 presiding, Defendants HSBC Consumer Lending USA, dba Beneficial ("HSBC"), and Asset  
7 Acceptance LLC ("Asset Acceptance"), will and hereby do move this Court for an Order  
8 dismissing Plaintiff's Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil  
9 Procedure.

10 This motion is made on the grounds that Plaintiff Elizabeth Contreras lacks standing  
11 to sue on the claims she pursues in this litigation because the claims are property of her  
12 bankruptcy estate. According to Plaintiff's Complaint, Plaintiff's causes of action accrued  
13 on or about December 5, 2007, prior to her June 1, 2008 petition under Chapter 7 of the  
14 United States Bankruptcy Code. As a matter of law Plaintiff's claim is property of her  
15 bankruptcy estate, to be administered solely by the Trustee of that estate.

16  
17 Dated: July 3, 2008

SONNENSCHN NATH & ROSENTHAL  
CHRISTOPHER E. PRINCE  
MANUEL ALVAREZ JR.

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20 By: /s/ Manuel Alvarez Jr.  
21 Manuel Alvarez Jr.  
22 Attorneys for Defendant  
23 HSBC CONSUMER LENDING USA  
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1 Dated: July 3, 2008

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6 Attorneys for Defendant  
7 ASSET ACCEPTANCE, LLC  
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